THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

MICHAEL DAVID SILLS and MARY SILLS,)
Plaintiffs, v.) CIVIL ACTION NO. 3:23-CV-00478 JUDGE WILLIAM L. CAMPBELL, JR. MAGISTRATE JUDGE CHIP FRENSLEY
SOUTHERN BAPTIST CONVENTION, et al.,) JURY TRIAL DEMANDED
Defendants.)

DEFENDANT ERIC GEIGER'S MOTION TO DISMISS BASED ON LACK OF PERSONAL JURISDICTION AND LACK OF SUBJECT MATTER JURISDICTION

Defendant Eric Geiger ("Geiger"), pursuant to *Federal Rules of Civil Procedure* 12(b)(1) and 12(b)(2), makes a limited appearance and moves the Court to enter an order dismissing him from this action based upon a lack of jurisdiction. Geiger is not subject to personal jurisdiction in this Court. He does not have sufficient contacts with Tennessee for this Court to exercise personal jurisdiction over him. He is not domiciled in Tennessee, does not have continuous and systematic contacts with Tennessee, and Plaintiffs' claims do not arise from Geiger's contacts with Tennessee. Thus, there is no legitimate basis for the exercise of either general or specific personal jurisdiction over Geiger. Moreover, Plaintiffs' claims are subject to dismissal for lack of subject matter jurisdiction due to application of the ecclesiastical abstention doctrine.

The grounds and legal support for this Motion are more fully set forth in Geiger's Memorandum of Law filed in support of this Motion.

WHEREFORE, the premises considered, Defendant Eric Geiger moves this Honorable Court to enter an Order dismissing Plaintiffs' claims against him for lack of jurisdiction and granting such other, further, or different relief to which he is entitled.

Respectfully submitted this 17th day of July, 2023.

s/ Catherine M. Newman

Catherine M. Newman (BPR 039181) R. Bruce Barze, Jr. (admitted PHV) J. Graham Gilmore (admitted PHV) BARZE TAYLOR NOLES LOWTHER LLC 2204 Lakeshore Drive, Suite 425 Birmingham, AL 35209 205-872-1032 bbarze@btnllaw.com cnewman@btnllaw.com ggilmore@btnllaw.com

Attorneys for Defendant Eric Geiger

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Dismiss for Lack of Jurisdiction was filed electronically on this 17th day of July 2023. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

s/ Catherine M. Newman

Catherine M. Newman